

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN CARLOS JACOBO-IBARRA,

Defendant.

Case No. CR09-5866RJB

ORDER

This matter comes before the court on defendant Juan Carlos Jacobo-Ibarra's motion for appointment of counsel and application to proceed *in forma pauperis*. Dkt. 30 and 30-2. The court has considered the motions and the file herein.

On May 10, 2010, defendant filed a Notice of Appeal of his judgment and sentence. Dkt. 29. On May 5, 2010, defendant filed a motion for appointment of counsel and a motion to proceed *in forma pauperis* on appeal. Dkt. 30 and 30-2.

Defendant was represented by counsel Linda Sullivan in these proceedings. Ms. Sullivan remains counsel of record. Accordingly, it is unnecessary for defendant to file a motion for appointment of counsel for purposes of appeal, since Ms. Sullivan is his counsel. Defendant's motion for appointment of counsel should be stricken as moot.

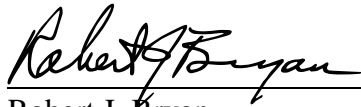
Defendant has already been granted permission to proceed *in forma pauperis* on appeal. *See* Docket Entry on May 10, 2010. Defendant's motion to proceed *in forma pauperis* is not necessary. His motion to proceed *in forma pauperis* should be stricken as moot.

1 Therefore, it is hereby

2 **ORDERED** that defendant Juan Carlos Jacobo-Ibarra's motion for appointment of counsel (Dkt.  
3 30) and application to proceed in forma pauperis (Dkt. 30-2) are **STRICKEN** as moot.

4 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any  
5 party appearing *pro se* at said party's last known address.

6 DATED this 12<sup>th</sup> day of May, 2010.

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9 Robert J. Bryan  
10 United States District Judge  
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